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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/695,915	10/30/2003	Nilesh Pathak	03581.008900.	5645
5514	7590	11/15/2006	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			LEE, WILSON	
			ART UNIT	PAPER NUMBER
			2163	

DATE MAILED: 11/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/695,915

Applicant(s)

NILESH PATHAK ET AL.

Examiner

Wilson Lee

Art Unit

2163

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on 29 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-81 is/are pending in the application.
- 4a) Of the above claim(s) 1-40 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 41-81 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 12/19/03.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

### **Response to Election with traverse**

Applicant elects Group II with traverse.

Applicant argues that the two groups of the claims are not so different as would require a burden on Examiner.

Examiner respectfully disagrees.

As written in the previous office action, two groups are clearly identified as two independent inventions such as product and process of use. Serious burden would exist on examination for two distinctive inventions.

Moreover, the issue of burden merely plays a minor role for the basis to support the restriction requirement. Since it has been concluded that the pending application includes more than one separate distinctive and independent invention, the restriction is therefore proper.

In particular, it appears that applicant believes the issue of burden only arises from the search of prior art and examination of the application in determining the patentability of the claimed invention. However, applicant is respectfully reminded that conducting a search on application merely plays a small part of examining the invention. Burden may also arise from prosecuting multiple inventions in a single application. Such a type prosecution merely leads to complication in patentability determination that may ultimately sacrifices the quality of patentability determination. In view of this reason, a restriction imposed is clearly proper.

The requirement is still deemed proper and is therefore made **FINAL**.

### **Claim Rejections – 35 U.S.C. 112**

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 41-81 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding Claim 41, line 5, “or” renders uncertainty to the claimed invention whether the claimed limitation is required or not. Line 11, “and/or” renders uncertainty to the claimed invention whether the claimed limitation is required or not.

Regarding Claim 77, line 5, “or” renders uncertainty to the claimed invention whether the claimed limitation is required or not.

Regarding Claims 78, 79, line 2, “or” renders uncertainty to the claimed invention whether the claimed limitation is required or not.

### **Claim Rejections – 35 U.S.C. 102**

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 41-81 are rejected under 35 U.S.C. 102(e) as being anticipated by Catan (US 2002/0143860).

Regarding Claim 41, Catan discloses a method of interfacing a plurality of electronic devices that from time to time require maintenance comprising:

- transmitting means status information from the device (100) to a central server (network server 140/150) (See paragraph 0129), directly or via one or more intermediary devices (See Figure 1), and
- transmitting a message to an entity relevant to a particular electronic device, that enables the entity to obtain from central server status information about the device (See paragraph 0103),
- wherein the transmission of the status information is initiated by the devices and/or intermediary devices (See paragraphs 0068, 0129).

Regarding Claims 42-47, 50-76, Catan discloses the interfacing method to process, manage and determine the status information and message as claimed (See Figures 1, 6-9, 11, paragraphs 0006, 0008, 0060-0069, 0078, 0091 and 0111, 0129, 0161, 0147).

Regarding Claim 48, Catan discloses that the central server has access to a database for storing data (See paragraphs 0006, 0008, 0022, 0067, 0090, 0103) that the status information received by the central server is stored in the database.

Regarding 49, Catan discloses that the analyzing means (search engine) has access to data stored in the database (See paragraphs 0006, 0022, 0067, 0090, 0103).

Regarding Claim 77, Catan discloses a method of interfacing a plurality of electronic devices that from time to time require maintenance comprising:

- transmitting status information from the devices (100, 190) to a central server (server 140/150), directly or via one or more intermediary devices (See Figure 1),
- transmitting a message containing information based on said status information, to an entity relevant to a particular electronic device, said message comprising a hypertext link (See paragraphs 0065, 0103, 0127); and
- providing a web server that has access to at least the status information relevant to the particular electronic device, said web server responding to the activation of the hypertext link to provide the said status information (See Figure 1 and paragraphs 0008, 0078, 0091, 0111, 0147).

Regarding Claim 78, Catan discloses that the central server or the web server comprises a means for analyzing the received status information

Regarding Claim 79, Catan discloses that the central server or the web server has access to a database (See paragraphs 0006, 0022, 0067, 0090, 0103) for storing data, wherein status information received by the server is stored in the database.

Regarding Claim 80, Catan discloses that the analyzing means has access to data stored in the database (See paragraphs 0006, 0022, 0103).

Regarding Claim 81, Catan discloses that the transmission of status information is initiated by the said device or intermediary devices (See Figure 1, paragraphs 0068, 0129).

### **Conclusion**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Lab et al. (US 2005/0198111) discloses a distributed transaction event matching.

Ramos-Escano et al. (US 2004/0071126) discloses a method, network node and system for managing interfaces in a distributed radio access network.

Greene et al. (US 2002/0147611) discloses a method and system for realizing a rendezvous service in a management operations center implemented in a global ecosystem of interrelated services.

### **Correspondence**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Wilson Lee whose telephone number is (571) 272-1824.

Papers related to the application may be submitted by facsimile transmission. Any transmission not to be considered an official response must be clearly marked "DRAFT". The official fax number is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you

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have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Wilson Lee", written over a horizontal line.

Wilson Lee  
Primary Examiner  
U.S. Patent & Trademark Office

11/13/06